UNITED STATES DISTRICT COURT

SOUTHERN	_ DISTRICT OF	FLORIDA
In the Matter of the Search of Name, address or brief description of person, property or premises to THE PREMISES LOCATED AT 550 11TH STREET, SUITE 211 MIAMI BEACH, FLORIDA 33139	o be searched)	APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT Case Number: 08-2153-576
I, Christopher A. Wells	· <u>_</u>	being duly sworn depose and say:
I am a(n) Special Agent of the Drug Enforce		and have reason to believe
that on the person of or on the pr	Official Title operty or premises k	known as (name, description and/or location)
the Premises Located at 550 11th Street, Suite 2 A)	211, Miami Beach, Flo	orida 33139 (more particularly described in Attachment
in the SOUTHERN	District of	FLORIDA
there is now concealed a certain person or pr	operty, namely (descr	ibe the person or property to be seized)
narcotics, medical records, patient files, records described in Attachment B) which is (state one or more bases for search and seizure set for		
		outside the scope of professional practice and not for
concerning a violation of Title 21	United States co-	de, Section(s) 841(a)(1)
The facts to support a finding of probable ca	use are as follows:	
See Attached Affidav	it of Special Agent Ch	ristopher A. Wells
Continued on the attached sheet and made a part	hereof:	Yes
Christopher A. Wells	,	A LEC
Name of Affiant	Sig	nature of Affiant
Sworn to before me and subscribed in my presen	ce,	
2/08/08	_{at} Mia	mi Florida
Date /	at MIA City	State
Stephen T. Brown	_	
Name of Judge Title of Judge		Mure of page

AFFIDAVIT

- I, Christopher A. Wells, Special Agent, Drug Enforcement Administration (DEA), Miami, Florida, being duly sworn, state as follows:
- 1. I am a Special Agent with the DEA, assigned to the Miami Field Division. I have been a Special Agent for over three and a half years. As a Federal Agent of the United States Department of Justice, I am authorized to conduct criminal investigations of violations of Title 21 of the United States Code. I have received extensive training in conducting narcotics investigations and in identifying the means and methods used by narcotics traffickers. I have conducted or participated in numerous investigations of this nature. Much of this training and experience has been directed at the detection, investigation, seizure and prosecution of individuals involved in the manufacture, possession and distribution of controlled substances. I have also received training in money laundering investigations, including investigations involving structured transactions.
- 2. I am currently involved in an investigation of Dr. Ali SHAYGAN concerning his illegal distribution and dispensing of controlled substances, outside the scope of professional practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Section 841(a)(1).
- 3. This affidavit is being submitted in support of a search warrant for the premises located at 550 11th Street, Suite 211, Miami Beach, Florida 33139 (hereinafter, the "TARGET LOCATION"), and more specifically described in Attachment A, which is attached to this affidavit and incorporated by reference herein. The TARGET LOCATION is an office utilized by SHAYGAN for his medical practice.

- 4. The facts and circumstances as set forth below in this affidavit demonstrate that there is probable cause to believe that at the TARGET LOCATION are records relating to the illegal distribution and dispensing of narcotics by SHAYGAN, as described more fully below and in Attachment B, which relate to the offenses of which SHAYGAN was indicted.
- 5. This affidavit is based on personal knowledge, as well as information provided by other law enforcement officers and Cooperating Defendants. This affidavit does not necessarily contain all the facts pertaining to this investigation, but only those facts needed to establish probable cause for the requested search warrant.
- 6. In or about June 2007, I made contact with West Palm Beach Police Department Homicide detectives regarding the overdose death of J.D. ("the deceased"), a 29 year old white male. Law enforcement officers had found several empty prescription drug bottles at the scene of death. In addition, the deceased's girlfriend stated that there was a locked safe that contained prescription drugs used by the deceased. A family member of the deceased hired a locksmith to open that safe, and recovered from the safe was a bottle of Methadone and a bottle of Diazepam. The prescriptions for those drugs had been obtained by the deceased from SHAYGAN on June 7, 2007, and both prescriptions were filled on June 9, 2007. Both prescriptions were for 60 pills. According to the deceased's girlfriend, on June 9, 2007, the deceased took (7) Valium (Diazepam) pills and an unknown quantity of Methadone pills. The deceased went to sleep on June 9, 2007, and was found deceased in his bed on June 10, 2007. At the time the pill bottles were recovered from the safe following the deceased's death, there were only 43.5 Methadone and 20 Diazepam pills remaining. According to an autopsy report, the deceased died of combined drug intoxication. According to the toxicology report, both Methadone and Diazepam were found in the deceased's system at the time of his death.

- 7. In or about July 2007, I conducted a telephone interview with the deceased's girlfriend, who stated that she was present during two meetings between the deceased and SHAYGAN. The first meeting took place at a Starbucks in West Palm Beach, Florida. On that occasion, the deceased purchased several prescriptions from SHAYGAN and paid SHAYGAN between \$150.00 and \$200.00 for each prescription. The second meeting took place on June 7, 2007. That day the deceased and his girlfriend traveled to Miami Beach, Florida to meet with SHAYGAN at an office. At that office, there were no examination tables or any type of medical equipment present. During this meeting, SHAYGAN weighed the deceased and offered to write him prescriptions for Roxicodone, Methadone, Fentanyl Patches or Oxycontin.
- 8. On September 26, 2007, an Undercover detective (U/C1) conducted a "walk-in" at the TARGET LOCATION to see SHAYGAN. During this visit, SHAYGAN asked U/C1 if he had any medical records with him, at which time U/C1 told SHAYGAN that he did not. SHAYGAN stated that it was against Federal law for him to prescribe any controlled narcotics to patients without any documentation or medical records. At that time, SHAYGAN checked U/C1's heart, breathing and ears. SHAYGAN then checked the strength of U/C1's legs and arms by using his (SHAYGAN's) strength as resistance. In each exercise, U/C1 nearly knocked SHAYGAN off his feet. As SHAYGAN conducted these exercises, he asked U/C1 if they hurt his back, and U/C1 replied that they did not. SHAYGAN asked U/C1 if it hurt his back to bend forward or backward, and U/C1 again replied that it did not. SHAYGAN then pressed on U/C1's back from top to bottom while asking U/C1 if his back hurt. U/C1 stated that it did not. SHAYGAN then gave U/C1 prescriptions for Roxycodone, Norco, Alprazolam, Soma and an X-Ray. SHAYGAN also set up an appointment for U/C1 on October 22, 2007.

- 9. When U/C1 arrived at the TARGET LOCATION for his appointment on October 22, 2007, SHAYGAN asked U/C1 how he was feeling. U/C1 explained that he was alright, but that he had run out of the pills that SHAYGAN had prescribed. SHAYGAN then asked U/C1 how much he would need. U/C1 explained that if he got 150 Roxicodones and 150 Norcos, it would be sufficient. SHAYGAN then stated that he could prescribe 120 of each and double the Alprazolam. SHAYGAN then asked U/C1 what Norcos were. U/C1 explained that Norcos were Oxycodone, like Percocets, but stronger. SHAYGAN explained to U/C1 that he was always available, and that if U/C1 ran out of pills U/C1 could just call SHAYGAN to have him prescribe more. U/C1 asked the doctor if he could have a friend set up an appointment with SHAYGAN. SHAYGAN advised U/C1 to talk to the office assistant. UC/I then got a phone number from the office assistant and provided it to a second Undercover detective (U/C2), who then set up an appointment for October 26, 2007.
- asked U/C2 if he had his medical records. U/C2 explained that he was seeing a doctor who was not available and, as a result, he needed to get his prescriptions from another source. SHAYGAN asked U/C2 basic questions and had him fill out a form. U/C2 told SHAYGAN that he was taking Methadone, Roxicodone, Norco, Soma, and Alprazolam. SHAYGAN then checked U/C2's heart, breathing, and ears. SHAYGAN then checked the strength in U/C2's legs and arms by using his strength (SHAYGAN's) as resistance. As SHAYGAN conducted these exercises, he asked if they hurt U/C2's back, and U/C2 replied that they did not. SHAYGAN then asked if it hurt his back to bend forward or backward, and U/C2 again stated that it did not. SHAYGAN then provided U/C2 with a form about methadone use. The form was a photocopy

of a newspaper article. SHAYGAN asked U/C2 to read, sign and date it. SHAYGAN then prescribed U/C2 Methadone, Roxicodone, Norco, Soma, and Alprazolam.

- 11. On November 14, 2007, SHAYGAN called U/C1 to reschedule his next appointment from November 19, 2007 to November 16, 2007. U/C1 agreed but said that U/C2 could not come on November 16, 2007. SHAYGAN said he could "work something out" and suggested that U/C1 pick up U/C2's prescriptions for him
- 12. On November 16, 2007, U/C1 arrived at the TARGET LOCATION for the scheduled appointment. SHAYGAN asked U/C1 how his back was doing. U/C1 said he was doing OK. SHAYGAN asked how the medications were working, and U/C1 replied that they were working OK. SHAYGAN then checked U/C1's blood pressure and advised that he would prescribe a medication to lower U/C1's blood pressure because it was a little high. SHAYGAN advised that he wanted to see if there were any muscle spasms. After examining U/C1's back, SHAYGAN stated that there were no spasms, so the issues must be from the "bones." SHAYGAN inquired about the X-Rays that U/C1 had taken. U/C1 told SHAYGAN that he contacted SHAYGAN's office assistant with the phone number to call for the results of the X-Rays. SHAYGAN stated that he did not get the number. Shortly thereafter, SHAYGAN began filling out U/C1's prescriptions, and U/C1 reminded SHAYGAN to write the prescriptions for U/C2. SHAYGAN asked U/C1 how long U/C2 was going to be out of town. U/C1 told SHAYGAN that he would be out for about two (2) weeks. SHAYGAN then called U/C2 and asked when he would be back in town. U/C2 advised that he would be back on December 1, 2007. SHAYGAN then asked U/C2 if it was alright if U/C1 picked up U/C2's prescriptions. U/C2 stated that it was. SHAYGAN then filled the prescriptions for U/C2, placed them in an envelope, and handed them to U/C1.

- 13. On January 8, 2008, law enforcement officers established surveillance in the vicinity of SHAYGAN's residence at 2829 Indian Creek Drive #1409, Miami Beach, Florida 33140. At approximately 12:30 p.m., law enforcement officers observed SHAYGAN as he walked to the rear of his vehicle and placed a folder and paperwork into a black briefcase. SHAYGAN then placed the black briefcase into the trunk and departed the parking garage. SHAYGAN then drove to the TARGET LOCATION, where he exited his vehicle, retrieved the black briefcase, and entered the building.
- 14. On January 15, 2008, U/C1 contacted SHAYGAN in an attempt to set up an appointment. U/C1 informed SHAYGAN that he was coming in from out of town and should arrive at 6:00 p.m. SHAYGAN advised that he could see U/C1 at the TARGET LOCATION at 8:00 p.m. U/C1 contacted SHAYGAN at approximately 8:00 p.m. and told SHAYGAN that he was stuck in traffic. SHAYGAN said that he was still with a patient and told U/C1 that he would call him when the patient left. At approximately 9:00 p.m., SHAYGAN called U/C1, but U/C1 did not answer. When U/C1 returned SHAYGAN's call, SHAYGAN stated that he was leaving the office to drop medication off at a friend's house, but he would be available in approximately fifteen minutes. SHAYGAN told U/C1 that he could see him at SHAYGAN's residence, and he then gave U/C1 directions to 2829 Indian Creek Drive #1409, Miami Beach, Florida 33140.
- 15. U/C1 drove to SHAYGAN's residence and parked where SHAYGAN was waiting for him on the sidewalk. SHAYGAN then led U/C1 into his residence where he checked U/C1's blood pressure but conducted no other examination. SHAYGAN then gave U/C1 prescriptions for Roxicodone, Norco, Xanax and Soma. SHAYGAN also provided U/C1 a thirty day supply of blood pressure medication. SHAYGAN stated that he had Soma "somewhere in the house," but that he would just fill out the prescription instead of trying to find it. SHAYGAN

also stated that he received U/C1's X-Ray that was taken in October of 2007. SHAYGAN stated that there was no need to get an MRI and that he could continue to see U/C1. U/C1 observed numerous folders laying about the floor, table, and desk of the residence that were consistent with the type SHAYGAN used at the TARGET LOCATION for patients. U/C1 remarked to SHAYGAN that SHAYGAN takes a lot of work home with him. SHAYGAN replied that it was normal for him to do so.

16. Based on the information contained in this affidavit, I believe that there is probable cause to believe that those items listed in Attachment B will be located at the TARGET LOCATION. I further believe that such items constitute evidence of the distribution and dispensing of a controlled substance, outside the scope of professional practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Section 841(a)(1).

Christopher A. Wells, Special Agent Drug Enforcement Administration U.S. Department of Justice

Sworn to and subscribed before me this day of Extrary, 2008.

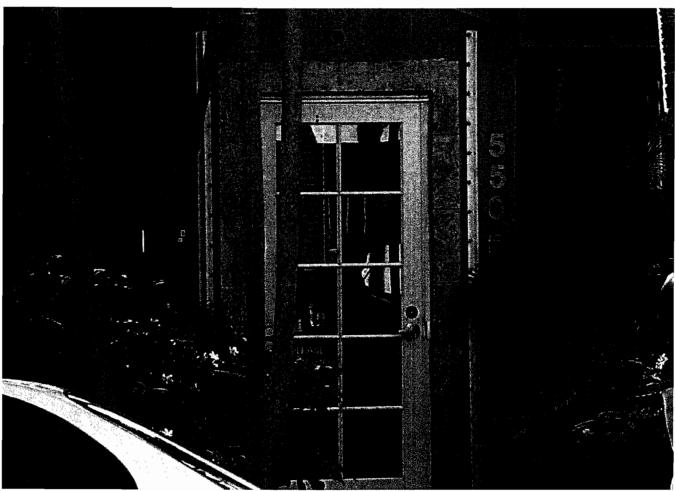
The Honorabke Stephen T. Brown
United States Magistrate Judge
Southern District of Florida

ATTACHMENT A

Description of the premises to be searched

550 11th Street, Suite 211, Miami Beach, Florida 33139. Suite 211 is an office located on the west end of a multi-unit, two-story stucco office building, beige in color. There is a lobby and receptionist desk on the first floor, at the front door. Suite 211 is located on the west end of the building, through two glass doors. It is the last office on the left. Photographs of the premises are attached hereto.





ATTACHMENT B

- 1. Any and all controlled substances and narcotics paraphernalia, including but not limited to, packaging materials, transportation equipment, scales, and other related equipment.
- 2. Controlled Substance records, in particular ledgers, account books, notes of transactions, records of names and/or code names or nicknames, and/or identifying information reflecting customers, items bought and sold, and amounts of money, paid, owed, or collected.
- 3. Any and all customer lists or any notes containing the individual names, telephone numbers and/or addresses, and any corresponding records of accounts receivable, money paid or received, drugs supplied or received, or cash received or intended to be paid.
- 4. Records of controlled substances prescribed, received, sold, delivered or otherwise disposed of.
- 5. Notes, papers, receipts, documentary business records, appointment books, medical records, and patient files reflecting patients seen, medical examinations conducted, and medication prescribed.
- 6. United States currency, financial instruments, precious metals, jewelry, safes and other items of value and/or proceeds of drug transactions.
- 7. Bank statements, loan applications, money drafts, letters of credit, money orders, cashier's checks, bank checks, safe deposit box keys, vault keys, safes, any and all documents relating to banking activities and other financial transactions, including the purchase of real estate, and documents showing ownership of real estate.
- 8. Telephone and address books or notes containing telephone numbers and addresses.
- 9. Any and all appointment calendars and electronic or digital organizers.
- 10. Computerized records and/or information that may be stored on magnetic media containing information described in records authorized to be searched and/or seized by this warrant.
- 11. Any and all records, indicators of ownership, possession or control of the computer equipment, accessories, telephones and modems.
- 12. Any and all tapes, cassettes, hardware, computer discs, data discs, magnetic media, hard discs, tape systems, CD ROM discs, optical data storage media, and other related optional computer equipment.
- 13. Indicia of ownership or control over the premises.

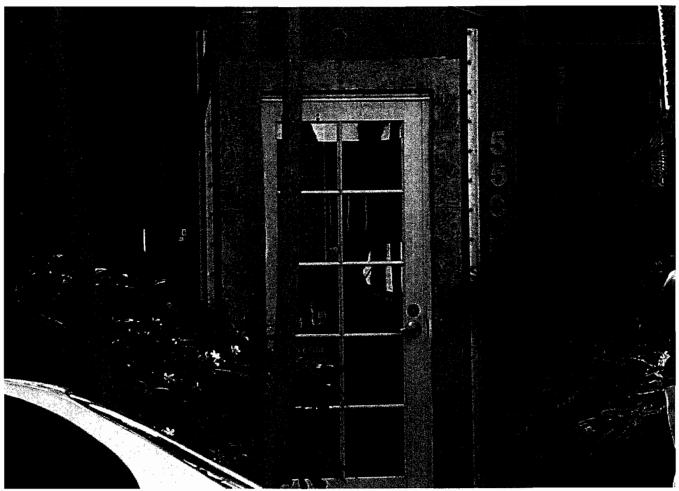
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		United States Di	strict Court		
	SOUTHERN	DISTRICT OF _	F	LORIDA	
In the Matter of the Search of (Name, address or brief description of property or premises to be set THE PREMISES LOCATED AT 550 11TH STREET, SUITE 211 MIAMI BEACH, FLORIDA 33139			SEARCH	I WARRANT	
			CASE NUI	CASE NUMBER: 08-2153-5	
TO: <u>Unite</u> States	d States Department of Ju	stice, Drug Enforcement	Administrationa	nd any Authorized	Officer of the United
Affidavit(s) h	naving been made before m	ne by <u>Special Agent Chris</u>	stopher A. Wells Affiant		_ who has reason to
believe that	on the person of or	X on the premises known	OWN as (name, descrip	otion and/or location)	
the Premise Attachmen	es Located at 550 11th S t A)	street, Suite 211, Miami	Beach, Florida 33	3139 (more partic	ularly described in
in the person or pr	SOUTHERN operty, namely (describe the pe	District of	FLORIDA	there is now	concealed a certain
substance,	ords, patient files, and ot outside the scope of pro n Attachment B)				
	d that the affidavit(s) and ard is now concealed on the				
YOU ARE H	EREBY COMMANDED to	search on or before	2/1	708 (Date)	
making the s been establi the person of	ed 10 days) the person or search (in the daytime - 6:0 (shed)) and if the person or property taken, and preduce Magistrate Judge J.S. Judge or Magistrate Judge	00 A.M. to 10:00 P.M.)(at- property be found there to	any time in the day o seize same, leavii	erty specified, server or night as I find ren ng a copy of this w	easonable cause has arrant and receipt for
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Manie and Title	or Judicial Officer	4 91917	patyre of Judicial Officer	,	

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